

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4113

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MELVIN R. FENTRESS,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, District Judge. (CR-02-93)

Submitted: June 24, 2003

Decided: July 24, 2003

Before MOTZ, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David C. Wright, Stephen Z. Meehan, Joseph B. Tetrault, WRIGHT & MEEHAN, Baltimore, Maryland, for Appellant. Thomas M. DiBiagio, United States Attorney, Lisa M. Griffin, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Melvin R. Fentress was found guilty, following a bench trial by a magistrate judge, for violating 38 C.F.R. § 1.218(b)(11) (2002). The district court affirmed the conviction. On appeal to this court, Fentress alleges that: (1) § 1.218(b)(11) is merely a penalty and not a substantive offense for which he can be convicted; (2) the regulation is constitutionally void for vagueness; (3) the regulation is constitutionally overbroad; and (4) the evidence at trial was insufficient to support the conviction. We have reviewed the record and find no reversible error. Regarding the first three issues, we affirm for the reasons stated by the district court in its memorandum affirming the conviction. See United States v. Fentress, No. CR-02-93 (D. Md. Jan. 13, 2003). Regarding the last issue, we find that any rational trier of the fact could have found the essential elements of the crime beyond a reasonable doubt. See Glasser v. United States, 315 U.S. 60, 80 (1942) (stating review standard).

Accordingly, we affirm Fentress' conviction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED